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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/815,377

03/21/2001

Robert David Freeman

4154-11-CIP

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10/23/2006

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EXAMINER

WATKO, JULIE ANNE

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE  
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Commissioner of Patents and Trademarks

*See attached*

### **DETAILED ACTION**

1. The reply brief filed on September 26, 2006, has not been considered because it is not in compliance with 37 CFR 41.41(a). The reply brief refers to new, non-admitted evidence in violation of 37 CFR 41.41(a)(2). See URL cited by Applicant on page 2 of 5.

No showing has been made of good and sufficient reasons why the evidence is necessary and was not earlier presented.

Furthermore, no copy of said new, non-admitted evidence has been provided to the Examiner.

Moreover website content may change. Applicant has not indicated a date on which the cited URL referred to the new, non-admitted evidence which Applicant intended to cite; thus, the Examiner and the BPAI would be unable to reliably ascertain the unique “instructive tutorial” which Applicant intended to cite as new, non-admitted evidence.

For these reasons, the Examiner has not considered the Reply Brief.

2. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2627

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (571) 272-7597.

The examiner can normally be reached on Monday through Friday, 1PM to 10PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Julie Anne Watko, J.D.  
Primary Examiner  
Art Unit 2627

October 11, 2006  
JAW

A handwritten signature in black ink, appearing to be 'Julie Anne Watko', with a stylized, cursive script.